

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of subchapter I of this chapter, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceeding pending in any court of the United States on January 1, 1975.

(Pub. L. 92-225, title IV, § 406, as added Pub. L. 93-443, title III, § 302, Oct. 15, 1974, 88 Stat. 1289; amended Pub. L. 94-283, title I, § 115(f), May 11, 1976, 90 Stat. 496.)

REFERENCES IN TEXT

The Federal Election Campaign Act Amendments of 1974, referred to in subsec. (b)(2), is Pub. L. 93-443, Oct. 15, 1974, 88 Stat. 1263, as amended. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 431 of this title and Tables.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-283, § 115(f)(1), struck out references to sections 608, 610, 611, 613, 614, 615, 616, and 617 of title 18.

Subsec. (b)(2). Pub. L. 94-283, § 115(f)(2), struck out references to sections 608, 610, 611, and 613 of title 18.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 456. Repealed. Pub. L. 94-283, title I, § 111, May 11, 1976, 90 Stat. 486

Section, Pub. L. 92-225, title IV, § 407, as added Pub. L. 93-443, title III, § 302, Oct. 15, 1974, 88 Stat. 1290, gave Commission additional enforcement authority by providing for disqualification of candidates for Federal office from elections for Federal office for a period of time following a finding by Commission that candidate failed to file a required report.

SAVINGS PROVISION

Repeal by Pub. L. 94-283 not to release or extinguish any penalty, forfeiture, or liability incurred under this section or penalty, with this section or penalty to be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, see section 114 of Pub. L. 94-283, set out as a note under section 441 of this title.

CHAPTER 15—OFFICE OF TECHNOLOGY ASSESSMENT

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§ 471. Congressional findings and declaration of purpose

The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

- (1) large and growing in scale; and
- (2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

- (1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and
- (2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

- (1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

- (2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

(Pub. L. 92-484, § 2, Oct. 13, 1972, 86 Stat. 797.)

SHORT TITLE

Section 1 of Pub. L. 92-484 provided: "That this Act [enacting this chapter and amending section 1862 of Title 42, The Public Health and Welfare] may be cited as the 'Technology Assessment Act of 1972'."

TERMINATION OF OFFICE OF TECHNOLOGY ASSESSMENT

Pub. L. 104-53, title I, §§ 113, 114, Nov. 19, 1995, 109 Stat. 526, provided that:

"SEC. 113. Upon enactment of this Act [Nov. 19, 1995] all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. Any day for which a former employee receives a payment under this section shall be counted as Federal service for purposes of determining entitlement to benefits, including retirement, annual and sick leave earnings, and health and life insurance. A statement in writing to the Direc-

tor of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

"SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of the Office (including the Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect shall submit a proposal to transfer such records and property to appropriate support agencies of the Legislative Branch which request such transfer, and shall carry out such transfer subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 472 of this title.

§ 472. Office of Technology Assessment

(a) Creation

In accordance with the findings and declaration of purpose in section 471 of this title, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) Composition

The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) Functions and duties

The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

- (1) identify existing or probable impacts of technology or technological programs;
- (2) where possible, ascertain cause-and-effect relationships;
- (3) identify alternative technological methods of implementing specific programs;
- (4) identify alternative programs for achieving requisite goals;
- (5) make estimates and comparisons of the impacts of alternative methods and programs;
- (6) present findings of completed analyses to the appropriate legislative authorities;
- (7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraph (1) through (5) of this subsection; and
- (8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) of this section may direct.

(d) Initiation of assessment activities

Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Availability of information

Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5.

(Pub. L. 92-484, § 3, Oct. 13, 1972, 86 Stat. 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 476 of this title; title 20 section 2423.

§ 473. Technology Assessment Board

(a) Membership

The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Execution of functions during vacancies; filling of vacancies

Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) Chairman and vice chairman, selection procedure

The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) Meetings; powers of Board

The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, and upon a vote of a majority of its members, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board or of any voting member designated by him or by the Board, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Board or any voting member thereof may administer oaths or affirmations to witnesses.

(Pub. L. 92-484, § 4, Oct. 13, 1972, 86 Stat. 798.)

§ 474. Director of Office of Technology Assessment

(a) Appointment; term; compensation

The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(b) Powers and duties

In addition to the powers and duties vested in him by this chapter, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) Deputy Director; appointment; functions; compensation

The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.

(d) Restrictions on outside employment activities of Director and Deputy Director

Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this chapter.

(Pub. L. 92-484, § 5, Oct. 13, 1972, 86 Stat. 799.)

§ 475. Powers of Office of Technology Assessment

- (a) **Use of public and private personnel and organizations; formation of special ad hoc task forces; contracts with governmental, etc., agencies and instrumentalities; advance, progress, and other payments; utilization of services of voluntary and uncompensated personnel; acquisition, holding, and disposal of real and personal property; promulgation of rules and regulations**

The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this chapter, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 5 of title 41;

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3324(a) and (b) of title 31;

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office and provide transportation and subsistence as authorized by section 5703 of title 5, for persons serving without compensation;

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this chapter; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

- (b) **Recordkeeping by contractors and other parties entering into contracts and other arrangements with Office; availability of books and records to Office and Comptroller General for audit and examination**

Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

- (c) **Operation of laboratories, pilot plants, or test facilities**

The Office, in carrying out the provisions of this chapter, shall not, itself, operate any laboratories, pilot plants, or test facilities.

- (d) **Requests to executive departments or agencies for information, suggestions, estimates, statistics, and technical assistance; duty of executive departments and agencies to furnish information, etc.**

The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this chapter. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

- (e) **Requests to heads of executive departments or agencies for detail of personnel; reimbursement**

On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this chapter.

- (f) **Appointment and compensation of personnel**

The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter.

(Pub. L. 92-484, § 6, Oct. 13, 1972, 86 Stat. 799.)

CODIFICATION

In subsec. (a)(3), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the Revised Statutes (31 U.S.C. 529)” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 476. Technology Assessment Advisory Council

- (a) **Establishment; composition**

The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the “Council”). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

- (b) **Duties**

The Council, upon request by the Board, shall—

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 472(d) of this title;

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

(3) undertake such additional related tasks as the Board may direct.

(c) Chairman and Vice Chairman; election by Council from members appointed from public; terms and conditions of service

The Council by majority vote, shall elect from its members appointed under subsection (a)(1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) Terms of office of members appointed from public; reappointment

The term of office of each member of the Council appointed under subsection (a)(1) of this section shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Council under subsection (a)(1) of this section more than twice. Terms of the members appointed under subsection (a)(1) of this section shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

(e) Payment to Comptroller General and Director of Congressional Research Service of travel and other necessary expenses; payment to members appointed from public of compensation and reimbursement for travel, subsistence, and other necessary expenses

(1) The members of the Council other than those appointed under subsection (a)(1) of this section shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and payments when traveling on official business at not to exceed the payment prescribed in regulations implementing section 5702 and in¹ 5704 of title 5), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, and regulations promulgated thereunder.

(2) The members of the Council appointed under subsection (a)(1) of this section shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection.

(Pub. L. 92-484, § 7, Oct. 13, 1972, 86 Stat. 800; Pub. L. 99-234, title I, § 107(a), Jan. 2, 1986, 99 Stat. 1759.)

AMENDMENTS

1986—Subsec. (e)(1). Pub. L. 99-234 substituted “payments when traveling on official business at not to exceed the payment prescribed in regulations implementing section 5702 and in” for “a per diem in lieu of sub-

sistence at not to exceed the rate prescribed in sections 5702 and”.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 477. Utilization of services of Library of Congress

(a) Authority of Librarian to make available services and assistance of Congressional Research Service

To carry out the objectives of this chapter, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Scope of services and assistance

Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Services or responsibilities performed by Congressional Research Service for Congress not altered or modified; authority of Librarian to establish within Congressional Research Service additional divisions, etc.

Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purpose of this chapter.

(d) Reimbursement for services and assistance

Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress.

¹ So in original. Probably should be followed by “section”.

(Pub. L. 92-484, § 8, Oct. 13, 1972, 86 Stat. 801.)

§ 478. Utilization of services of General Accounting Office

(a) Authority of General Accounting Office to furnish financial and administrative services

Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office.

(b) Scope of services and assistance

Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the General Accounting Office is otherwise authorized to provide to the Congress.

(c) Services or responsibilities performed by General Accounting Office for Congress not altered or modified

Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the General Accounting Office under law performs for or on behalf of the Congress.

(d) Reimbursement for services and assistance

Services and assistance made available to the Office by the General Accounting Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General.

(Pub. L. 92-484, § 9, Oct. 13, 1972, 86 Stat. 802.)

§ 479. Coordination of activities with National Science Foundation

The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

- (1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and
- (2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(Pub. L. 92-484, § 10(a), Oct. 13, 1972, 86 Stat. 802.)

§ 480. Annual report to Congress

The Office shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment technique and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. Such report shall be submitted not later than March 15 of each year.

(Pub. L. 92-484, § 11, Oct. 13, 1972, 86 Stat. 802.)

§ 481. Authorization of appropriations; availability of appropriations

(a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to ex-

ceed \$5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

(Pub. L. 92-484, § 12, Oct. 13, 1972, 86 Stat. 803.)

CHAPTER 16—CONGRESSIONAL MAILING STANDARDS

Sec.

501.

House Commission on Congressional Mailing Standards.

- (a) Establishment; designation.
- (b) Membership; political party representation; Chairman; vacancies; quorum.
- (c) Assistance and use of personnel, including chief counsel, of Committee on Post Office and Civil Service of the House.
- (d) Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations.
- (e) Complaint of franked mail violations; investigation; notice and hearing; conclusiveness of findings; decision of Commission; judicial review; reference of certain violations to Committee on Standards of Official Conduct of the House for appropriate action and enforcement; administrative procedure regulations.
- (f) Procedural considerations; sessions, place and time; subpoenas, issuance and service; oaths and affirmations; testimony; printing and binding; expenditures; organizational and procedural regulations; majority assent.
- (g) Property of Commission; records; voting record; location of records, data, and files.

502.

Select Committee on Standards and Conduct of the Senate.

- (a) Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations.
- (b) Complaint of franked mail violations; investigation; notice and hearing; decision of select committee; enforcement.
- (c) Administrative or judicial jurisdiction of civil actions respecting franking law violations or abuses of franking privilege dependent on filing of complaint with select committee and rendition of decision by such committee.
- (d) Administrative procedure regulations.
- (e) Property of Senate; records of select committee; voting record; location of records, data, and files.

§ 501. House Commission on Congressional Mailing Standards

(a) Establishment; designation

There is established a special commission of the House of Representatives, designated the "House Commission on Congressional Mailing